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09/690,818	10/18/2000	Noriaki Hashimoto	83115-002	3661

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EXAMINER

COLIN, CARL G

ART UNIT	PAPER NUMBER
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2136

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/690,818

Applicant(s)

HASHIMOTO, NORIAKI

Examiner

Carl Colin

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10/24/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. In view of the Appeal Brief filed on 10/24/2005, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. In response to communications filed on 10/24/2005, the following claims 1-23 are presented for examination.

2.1 Applicant's arguments in the brief, filed on 10/24/2005 with respect to the rejection of claims 1-23 have been fully considered but they are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3.1 **Claims 1-23** are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Publication 6,912,567 to **Allard et al.**

3.2 **As per claims 1, 21, and 22, Allard et al** discloses an access control system for preventing an unauthorized access to a network via a user computer, the system comprising: IP address assigned to a user computer stored in a server database (see column 8, lines 28-31; column 2, lines 27-30 and column 3, line 65 through column 4, line 10) that meets the recitation of a memory containing an IP address assigned to the user computer; and a server comprising a

microprocessor programmed to terminate a connection between the user computer and the network when an originating IP address of a data packet received from the user computer does not match the IP address assigned to the user computer that is contained in the memory (see column 6, lines 15-52 and column 6, line 60 through column 7, line 2).

**As per claim 5**, claim 5 contains similar limitations to claim 1 except for using an access controlled system. **Allard et al** discloses a server that meets the recitation of an access control system located between the user computer and the host computer system (see figure 2). Therefore, claim is rejected on the same rationale as the rejection of claim 1.

**As per claim 13**, **Allard et al** discloses a method for preventing an unauthorized access to a network via a user computer connected to the network through a host computer system (ISP server) which is connected to an access control system (BMPS server), the method comprising: storing an IP address of the user computer in a server database (see column 8, lines 28-31; column 2, lines 27-30 and column 3, line 65 through column 4, line 10) that meets the recitation of storing an IP address of the user computer in a memory of an access control system; receiving a data packet from a user computer with an originating IP address (column 4, lines 21-40) comparing an originating IP address of the data packet with the IP address of the user computer stored in the memory of the access control system (see column 6, lines 15-52 and column 5, lines 15-36); terminating a connection between the user computer and a host computer system if the originating IP address of the data packet is different from the IP address of the user computer

Art Unit: 2136

stored in the memory of the access control system (see column 6, lines 15-52 and column 7, lines 1-2).

**As per claim 9**, claim 9 contains similar limitations to claim 13 except for reciting denying the user computer an access to the network if the originating IP address of the data packet is different from the IP address of the user computer stored in the memory of the access control system. **Allard et al** discloses denying access to the Internet if a “no” condition exists, (see column 6, lines 15-52 and column 6, line 60 through column 7, line 2).

**As per claim 16**, **Allard et al** discloses a secure network comprising a host computer connected to the secure network (column 5, lines 1-15) an access control system (BMPS server) connected to the host computer system and having a memory (see column 5, lines 1-15); and a user computer connected to the host computer and configured to access the secure network through the host computer (see column 5, lines 1-15 and figure 2); and discloses the server including a database is programmed to terminate a connection between the user computer and the host computer system when an originating IP address of a data packet sent from the user computer for transmission to a node in the secure network does not match the IP address assigned to the user computer that is contained in the memory of the access control system (see column 6, lines 15-52 and column 7, lines 1-2).

**As per claim 20**, claim 20 contains some of the limitations to claim 16 except for reciting denying the user computer an access to the network if the originating IP address of the data

Art Unit: 2136

packet is different from the IP address of the user computer stored in the memory of the access control system. **Allard et al** discloses denying access to the Internet if a “no” condition exists, (see column 6, lines 15-52 and column 6, line 60 through column 7, line 2).

**As per claims 2, 6, and 14, Allard et al** discloses the limitation of wherein the microprocessor is further programmed to delete the IP address of the user computer from the memory when the originating IP address of the data packet received from the user computer does not match the IP address assigned to the user computer that is contained in the memory, for example (see column 6, lines 40-52 and column 7, lines 19-30).

**As per claims 3, 7, and 15, Allard et al** discloses the limitation of, wherein the microprocessor is further programmed to update the IP address of the user computer contained in the memory, for example (see column 6, lines 29-34).

**As per claims 4, 8, 23, Allard et al** discloses the limitation of wherein the memory is a part of the microprocessor (see column 5, lines 2-4).

**As per claim 10, Allard et al** discloses the limitation of wherein the denying step includes terminating the connection between the user computer and the network (see column 6, lines 15-52 and column 6, line 60 through column 7, line 2).

**As per claim 11, Allard et al** discloses the limitation of further comprising updating the IP address of the user computer stored in the memory of the access control system, for example (see column 6, lines 29-34).

**As per claim 12, Allard et al** discloses the limitation further comprising deleting the IP address of the user computer from the memory of the access control system if the originating IP address of the data packet is different from the IP address of the user stored in the memory of the access control system, for example (see column 6, lines 40-52 and column 7, lines 19-30).

**As per claim 17, Allard et al** discloses the limitation of wherein the user computer and the host computer system are connected via a Public Switched Telephone Network (column 6, lines 15-20).

**As per claim 18, Allard et al** discloses the limitation of wherein a host computer system comprising an access server and a plurality of modems and wherein the access control system is located between the access server and the plurality of modems (column 3, lines 25-52 and column 5, lines 1-28).

**As per claim 19, Allard et al** discloses the limitation of wherein the host computer system and the user computer are connected via a local area network (column 3, lines 25-52).



*Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as the art discloses method and apparatus for verifying user IP address for accessing a network.

US Patents: 5,684,951 Goldman et al ; 6,427,170 Sitaraman et al ; 6,070,243 See et al.  
6,356,622 Hassell et al. 6,189,035 Lockhart et al.


4.1 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl Colin whose telephone number is 571-272-3862. The examiner can normally be reached on Monday through Thursday, 8:00-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*cc*

Carl Colin  
Patent Examiner  
January 6, 2006

  
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